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AUG 20 2004

Docket No. RAL9-00-0014
Serial No. 09/548,910

PATENT

OFFICIAL**In the United States Patent and Trademark Office**

Date: August 19, 2004**In re Application of:** Brian M. Bass, et al.**Filed:** 4/13/2000**For:** Method and System for Network Processor Scheduling
Outputs Based on Multiple Calendars**Serial Number:** 09/548,910**Art Unit:** 2661**Examiner:** Bob Phunkulh**DECLARATION UNDER 37 CFR 1.132**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Now comes the undersigned and declare as follows:

1. I am a co-inventor on the above identified patent application and I am submitting this declaration in support of the prosecution of this patent application.
2. I received B.S.E.E. from Renesslaer Polytechnic Institute in Troy, NY
3. I am currently and have been employed, by IBM, as an engineer at the RTP Campus.
4. I have worked for the past 11 years designing and developing components, products and services in the communications technology.

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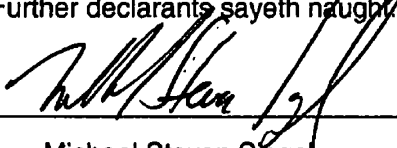
5. As part of my duties at IBM I was assigned to develop the scheduler for use on the egress side of the PowerNP (Network Processor). The scheduler is described and claimed in the above identified patent application on which I am a co-inventor.
6. I have reviewed US patent NO. 6,438,106 B1 issued on August 20, 2002 to John Pillar et al (here after Pillar) cited as prior art against the invention claimed in the above identified patent application. Pillar teaches method of priority modification (see figures 2 and 5, col. 5 lines 28 through 39; Col. 7, lines 5 through 6). Pillar does state one of its object as providing priority guaranteed queuing (Col. 3 lines 65 through 67).
7. In comparison the invention claimed in the above identified patent application teaches calendars to manage bandwidth allocation and shaping.
8. Based upon 6, 7 and my experience in communications technology it is my opinion the two (Pillar and claimed invention) are focused on different aspects of traffic management. More particularly, Pillar is focused on priority modification whereas the invention claimed in the above identified application is focused on bandwidth allocation and shaping via calendars. The two are different and one would not suggest the other.
9. It is also my opinion that functions provided by Pillar and the claimed invention are different and are not interchangeable. The priority modification method of Pillar is best used to provide policer functions which are typically performed on the ingress of a switch and network. These functions help to enforce a Service Level Agreement (SLA) between the customer and service provider by assuring available the bandwidth as specified by the SLA.

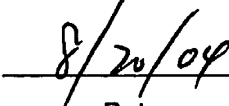
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10. In comparison, the claimed invention provides functions which are typically performed on the egress of a switch and network. The claimed invention provides an accurate scheduler by using different type calendar. The effectiveness is augmented by moving the service point of a queue on a calendar, the position of which is the result (history) of all prior transmitted frames, stored information including the bandwidth contract, size of last frame transmitted, etc. The claimed invention is targeted for the management of variable length packets, where fixed length packets are simply a subset of the problem.
11. Finally whereas Pillar manages eight classes the claimed invention provides accurate bandwidth allocation for 2000 classes. As a consequence the two (Pillar and claimed invention) find uses in different environments.
12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

Further declarants sayeth naught


Michael Steven Siegel


Date